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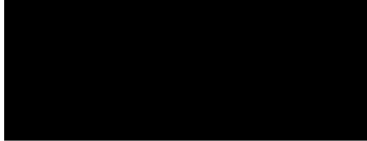
U.S. Department of Homeland Security

Bureau of Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE

425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536

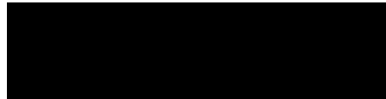


File: [REDACTED] Office: VERMONT SERVICE CENTER
(EAC 02 248 50734 relates)

Date:

APR 10 2003

IN RE: Petitioner:
Beneficiary:



Petition: Petition for Alien Fiance(e) Pursuant to Section 101(a)(15)(K)
of the Immigration and Nationality Act, 8 U.S.C. §
1101(a)(15)(K)

ON BEHALF OF PETITIONER: SELF-REPRESENTED

PUBLIC COPY

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Bureau of Citizenship and Immigration Services (Bureau) where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, Vermont Service Center, and is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The petitioner is a naturalized citizen of the United States who seeks to classify the beneficiary, a native and citizen of Pakistan, as the fiancé(e) of a United States citizen pursuant to section 101(a)(15)(K) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(K).

The director denied the petition after determining that the petitioner and the beneficiary had not personally met within two years before the date of filing the petition, as required by section 214(d) of the Act. In reaching this conclusion, the director found that the petitioner's failure to comply with the statutory requirement was not the result of extreme hardship to the petitioner or unique circumstances.

Section 101(a)(15)(K) of the Act defines "fiancé(e)" as:

An alien who is the fiancée or fiancé of a citizen of the United States and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety days after entry. . . .

Section 214(d) of the Act, 8 U.S.C. § 1184(d), states in pertinent part that a fiancé(e) petition:

shall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties *have previously met in person within two years before the date of filing the petition*, have a bona fide intention to marry, and are legally able and actually willing to conclude a valid marriage in the United States within a period of ninety days after the alien's arrival
[emphasis added]

The Petition for Alien Fiance(e) (Form I-129F) was filed with the Service on July 22, 2002. Therefore, the petitioner and the beneficiary were required to have met during the period that began on July 22, 2000 and ended on July 22, 2002.

Pursuant to 8 C.F.R. § 214.2(k)(2), a director may exercise discretion and waive the requirement of a personal meeting between the two parties if it is established that compliance would:

- (1) Result in extreme hardship to the petitioner; or
- (2) Violate strict and long-established customs of the beneficiary's foreign culture or social practice.

With the initial filing of the petition, the petitioner indicated that she had not personally met the beneficiary because dating or mixing before marriage is not allowed in her and the beneficiary's religion. In response to the director's request for additional information, the petitioner submitted a letter from [REDACTED]

[REDACTED] of [REDACTED] Jersey City and Muslim Federation of New Jersey. The letter stated that in the religion of Islam, muslim girls and boys are prohibited from meeting, dating or mixing with each other before marriage; that it is a strict and long-established custom for marriages to be arranged by parents of the bride and groom, who are supposed to talk to each other prior to the marriage; and that meeting of the bride and groom before marriage would violate Islamic religious, cultural and social practice.

In denying the petition, the director acknowledged that Islamic law allows for marriages to be arranged but noted that it does not *forbid* the bride and groom from meeting and seeing each other prior to the wedding. The director further noted that although Islamic law does not permit a man to be alone with a woman during the selection of a spouse, it permits him to see the woman to whom he intends to propose marriage so that he can enter into the marriage with full knowledge. Such a meeting would have satisfied the requirement that the petitioner and beneficiary must have met within the required two-year period prior to the filing date of the petition.

On appeal, the petitioner submits a videotape as evidence and further explanation. The tape, an undated amateurish home movie of the beneficiary shot in segments in what appears to be a foreign country and in a foreign language is untranslated. The tape does not constitute evidence that would warrant a favorable exercise of discretion to waive the statutory requirement that the petitioner and beneficiary must have met within two-years prior to the filing date of the petition. Therefore, the appeal will be dismissed.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not met that burden.

ORDER: The appeal is dismissed.